

**FILED**  
DISTRICT COURT OF GUAM

MAY 05 2010 \*

**JEANNEG. QUINATA**  
CLERK OF COURT

1 Daniel B. Anciano  
2 PO Box 2872  
3 Hagatna, Guam 96932

4 Sarapino Artui  
5 PO Box 26557  
6 GMF Barrigada, Guam 96921

7  
8 IN THE UNITED STATES DISTRICT COURT  
9 HAGATNA, GUAM

10 JAMES L. ADKINS )

11 Plaintiff )

12 vs. )

13 DANIEL B. ANCIANO )  
14 SARAPINO ARTUI )  
15 Et al. )

16 Defendants )  
17 )

Case No. CV 09-00029

**MOTION TO  
ENLARGE TIME;  
MEMORANDUM OF  
POINTS AND  
AUTHORITY IN  
SUPPORT**

18 \*\*\* MEMORANDUM OF POINTS AND AUTHORITY \*\*\*

19 On 22 April 2010, a Federal Magistrate Judge issued a Report and  
20 Recommendation concerning three separate motions to dismiss filed on  
21 Defendants' behalf by attorney for the Defendant Guam Police Department, the  
22 Chief of Police, Does I through X and your movants Anciano and Artui  
23 (Movants). After issuance of the Report and Recommendation, Movants learned  
24 that they would no longer be represented by counsel for the Guam Police  
25

**ORIGINAL**

1 Department of the Office of the Attorney General. *See Affidavit, Daniel B.*  
2 *Anciano, filed herewith.* Movants are, therefore, unrepresented but are seeking  
3 competent legal counsel.  
4

5 Pursuant to Fed. R. Civ. P. 72(b)(2), objections to reports and  
6 recommendations of Magistrate Judges must be filed no later than fourteen (14)  
7 days following service. Failure to object may constitute a waiver (or forfeiture)  
8 of the right to appeal matters addressed by the report and recommendation. *See*  
9 *FDIC v. Hillcrest Assocs., 66 F.3d 566, 569 (2d Cir. 1995) and Simpson v. Lear*  
10 *Astronics Corp., 77 F. 3d 1170, 1174 (9<sup>th</sup> Cir. 1996).* The possibility of waiver,  
11 as well as the substance of the report and recommendation, is of great concern to  
12 your Movants. We ask therefore that the Court exercise its power under Federal  
13 Rule of Civil Procedure 6(b)(1)(A) to enlarge time for objections and allow an  
14 additional 60 days, or such other time as the Court deems just, to file objections.  
15 Movants assert that the fact they are now without counsel constitutes good cause  
16 for granting an enlargement of time.

17 Movants are aware that less than five days remain between time of this  
18 filing and the expiration of the fourteenth day. Movants ask therefore that the  
19 Court exercise its power to set a different time by which an application to  
20 enlarge time may be made, determine that Movants' lack of counsel constitutes  
21 good cause therefore, and allow this Motion to extend time. *See Fed. R. Civ. P.*  
22 *6(c)(1)(C).*

23 Respectfully Submitted,

24   
25 \_\_\_\_\_  
D.B. Anciano, Defendant

  
\_\_\_\_\_  
Sarapino Artui, Defendant